

PATENT

CEDAR 43453 (18810-80645)

February 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith L. Black and Nagendra S. Ningaraj

Serial No.

09/491,500

Filed:

January 26, 2000

RECEIVED**METHOD FOR USING POTASSIUM CHANNEL
AGONISTS FOR DELIVERING A MEDICANT TO AN
ABNORMAL BRAIN REGION AND/OR A MALIGNANT
TUMOR**

FEB 14 2003

TECH CENTER 1600/2900

Examiner:

Baker, Anne Marie

Unit:

1632

Confirmation No.

8610

TRANSMITTAL OF PREVIOUSLY FILED SEQUENCE LISTING

Assistant Commissioner for Patents
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS	
WASHINGTON, D. C. 20231, ON	<u>February 4, 2003</u> DATE
BY <u>ANN WEISS</u>	
<u>February 4, 2003</u> (DATE OF SIGNATURE)	

Dear Sir or Madam:

Pursuant to a telephonic request made by the Examiner on
February 3, 2003, submitted herewith are copies of the following items that
Applicant mailed to the United States Patent and Trademark Office on
October 30, 2002, in response to an Office Action (under *Ex Parte Quayle*)
issued September 12, 2002.

1. Declaration Under 37 C.F.R. §1.821 (f) and
2. Paper copy of Sequence
3. Computer Readable Disket

DISK TO STICDATE: 2-11-03

4. Copy of Notice to Comply With Requirements for Patent

Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence
Disclosures.

The above-referenced items were enclosed in the same envelope as Applicant's response to the Office Action and mailed to the "20231" zip code address. Based on the Examiner's telephonic remarks on February 3, 2003, it is believed that the diskette was destroyed during the USPTO's mail processing procedures.

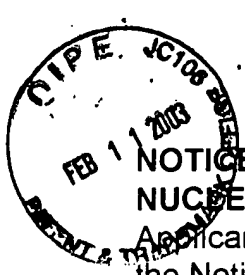
Applicant believes that there is no fee incurred in this submission, however, Examiner is authorized to charge any fee deficiency or credit any overpayment deemed necessary to Deposit Account 50-1597.

Respectfully submitted,

By: 

Nisan A. Steinberg, Ph.D.
Registration No. 40,345

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NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The specification and/or figures must be amended to identify all disclosed sequences by their sequence identifier (i.e., SEQ ID NO), in accordance with 37 CFR 1.821(d). Applicant is reminded that the entire specification and figures should be reviewed for sequence disclosures and that each sequence disclosed must be identified by its sequence identifier (i.e., SEQ ID NO).

Applicant Must Provide:

- ☒ An initial computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS
Submission User Manual - ePAVE)

2. Mailed to:
U.S. Patent and Trademark Office
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3. Mailed by Federal Express, United Parcel Service or other delivery service to:
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4. Hand Carried directly to the Customer Window at:
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